



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAY 29 2015

Richard J. McNeil
Snell & Wilmer L.L.P.
Plaza Tower, 600 Anton Blvd, Suite 1400
Costa Mesa, CA 92626-7689

Re: Freedom of Information Act Request **EPA-R9-2015-004094**

Dear Mr. McNeil:

This is in response to your Freedom of Information Act request EPA-R9-2015-004094. Two prior phases have been released on April 30 and May 15, 2015. This constitutes the last release for this FOIA.

Responsive, releasable documents and invoice have been uploaded to EPA's FOIAOnline system found at <https://foiaonline.regulations.gov/foia/action/public/home>. To access the documents, reference your FOIA request as EPA-R9-2015-004094.

We are unable to provide you with documents, or portions of documents, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b). An itemized list by categories of the withheld material along with the basis for withholding is provided in the enclosure to this letter.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed and includes the assigned FOIA request number EPA-R9-2015-004094. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Kim Hoang at 415-972-3147, should you have any questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique Manzanilla".

Enrique Manzanilla
Division Director, Superfund Division

Enclosure

FOIA EPA-R9-2015-004094

Withheld Documents

Below are the documents withheld in the above-referenced FOIA. The documents are identified by number and category and are followed by the applicable exemption.

Documents Withheld in Full

Email from Region 9 Public Information Office to Superfund Division regarding Orange County facilities, December 2, 2013 FOIA Ex. 5 (deliberative process)

6 emails among Office of Regional Counsel lawyers regarding meetings with the State and OCWD, January 14, 2014 – February 2, 2015 FOIA Ex. 5 (attorney work product, attorney-client privilege)

10 email chains between Superfund Division management and Office of Regional Counsel management and staff regarding meetings with the State and OCWD, May 5 – November 17, 2014 FOIA Ex. 5 (deliberative process, attorney client privilege)

11 email chains among Superfund Division management and staff regarding site screens and draft preliminary assessments in Orange County, March 3, 2014 – February 24, 2015 FOIA Ex. 5 (deliberative process)

7 email chains between Office of Regional Counsel and Superfund Division regarding meetings with OCWD, including draft correspondence, May 5, 2014 – February 18, 2015 FOIA Ex. 5 (deliberative process, attorney client privilege)

9 email chains between Site Assessment and DTSC management regarding site screens and transmitting individual facility information for evaluation, June 18, 2014 – March 12, 2015 FOIA Ex. 5 (deliberative process) and FOIA Ex. 7 (enforcement confidential)

19 email chains between Office of Regional Counsel and Superfund Division regarding North Basin status and enforcement options, including transmittal of documents and attorney memorandum, July 17, 2014 – February 18, 2015 FOIA Ex. 5 (deliberative process, attorney-client privilege, attorney work product) and FOIA Ex. 7 (enforcement confidential)

15 email chains between Superfund Division and Office of Regional Counsel staff and management, regarding North Basin site status, proposed Preliminary Assessments, EPA notice policies, and potential EPA lead, September 10, 2014 – February 18, 2015 FOIA Ex. 5 (deliberative process, attorney client privilege) and FOIA Ex. 7 (enforcement confidential)

7 email chains between Superfund Division management and staff regarding EPA role in North Basin and site status, including meeting attendance and transmittal of draft talking points, November 3, 2014 – March 3, 2015 FOIA Ex. 5 (deliberative process) and FOIA Ex. 7 (enforcement confidential)

3 email chains between Superfund Division and Office of Regional Counsel regarding calendaring a meeting with Northrup and other stakeholders, December 19, 2014 - February 17, 2015 FOIA Ex. 5 (attorney-client privilege and deliberative process) and FOIA Ex. 7 (enforcement confidential)

5 email chains between Superfund Division and Office of Regional Counsel regarding Site Assessment approach and logistics, February 3 – March 3, 2015 FOIA Ex. 5 (attorney work product, attorney client privilege)

5 email chains among Superfund Division and Office of Regional Counsel regarding PRP search activities, including attached tables and map, February 11 – March 2, 2015 FOIA Ex. 5 (deliberative process, attorney client privilege, attorney work product) and FOIA Ex. 7 (enforcement confidential)

2 email chains transmitting weekly reports from Superfund Division management, December 5, 2014 – January 23, 2015 FOIA Ex. 5 (deliberative process)

7 pages handwritten notes, Superfund Division staffmember regarding meetings and next steps, July 29-August 13, 2014 FOIA Ex. 5 (deliberative process)

6 pages handwritten notes, Superfund Division staffmember regarding site status, December 4, 2014 – January 28, 2015 FOIA Ex. 5 (deliberative process)

2 pages attorney notes, July 30, 2014 FOIA Ex. 5 (attorney work product)

14 pages handwritten notes, Superfund Division management, regarding site status and next steps, September 8, 2014 – February 28, 2015 FOIA Ex. 5 (deliberative process)

8 tables of Site Assessment Site Status Summaries FOIA Ex. 5 (deliberative process)

6 tables of OCWD, State, and EPA site status summary lists, January 15 - March 10, 2015 FOIA Ex. 5 (deliberative process and attorney work product) and FOIA Ex. 7 (enforcement confidential)

3 Draft Preliminary Assessments for Orange County Metal Processing with EPA comments, August 2013 – April 13, 2015 FOIA Ex. 5 (deliberative process)

Orange County Metal Processing HRS Score Sheet FOIA Ex. 5 (deliberative process)

2 tables listing North Basin well locations with latitude and longitude FOIA Ex. 9

Redacted Document

Email containing personal credit card information – credit card information redacted, remainder released FOIA Ex. 6 (personal privacy)